

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**WALLACE B. JAMES, aka,
JAMES B. WALLACE,**

Petitioner

**CASE NO. 2:06-CV-130
JUDGE SMITH
MAGISTRATE JUDGE KING**

v.

D. TIMMERMAN-COOPER, Warden,

Respondent.

ORDER

On September 22, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be dismissed as barred by the one-year statute of limitations under 28 U.S.C. §2244(d). Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Doc. No. 16. Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of the *Report and Recommendation*.

In his objections to the *Report and Recommendation*, petitioner argues only that the claims asserted in this action are meritorious.

For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED**.

The Clerk shall enter FINAL JUDGMENT.

/s/ George C. Smith
GEORGE C. SMITH
United States District Judge